

REMARKS/ARGUMENTS

Specification

With this response, the abstract of the disclosure is currently amended to present same on a single page free of extraneous materials. It is respectfully submitted that this corrected abstract is now in full compliance with *MPEP* § 608.01(b).

Next, the disclosure has also been amended to substitute new Paragraph No. 0028 in place of the original paragraph bearing the same number, and to insert new Paragraph Nos. 0029-0032 after new Paragraph No. 0028. It is respectfully submitted that, with this amendment, the corrected disclosure now contains a section (new Paragraph Nos. 0028-0032) that briefly describes the drawings.

With this response, Paragraph Nos. 0015 and 0018 of the specification have been amended to provide proper antecedent basis and literal support for the claimed subject matter limitations of claims 17 and 29. It is respectfully submitted that these claims, when read in view of the aforementioned paragraphs of the specification, are now in full compliance with 37 CFR § 1.75(d)(1) and *MPEP* § 608.01(o).

In view of the current amendments to the specification and abstract, the Applicant respectfully requests removal of each of the Examiner's previous objections thereto.

Claim Rejections – 35 USC § 112

In the aforementioned Office action, claims 21 and 33 were rejected under 35 USC § 112, second paragraph, for use of the term "low-chromate" and for a failure of the claim and specification to define meaning of this term. In the specification, therefore, Paragraph No. 0020 has been amended to provide further particularity concerning the impugned term "low-chromate" which would, as is respectfully asserted by the Applicant, have been understood by persons having ordinary skill in the art as inherent in the originally filed specification and claims. It is respectfully submitted that no new matter has been added with the aforesaid amendment. In further support of the inherency of the aforesaid amendment, it is respectfully submitted that the term "low-chromate" would have been clearly understood by persons having ordinary skill in the art to refer to cements previously used in the construction industry in Germany and in Scandinavia

which, in keeping with the *Approved Code of Practice* that was adopted by the German legislature in 1993, contained levels of water soluble chromates substantially at less than about 2 ppm in a bag of cement and/or in ready-mixed concrete. Similarly, each of claims 21 and 33 have been likewise amended to specifically recite this limitation, and it is respectfully submitted that no new matter has been added to the claims with these amendments.

In the aforementioned Office action, claim 38 was also rejected under 35 USC § 112, second paragraph, (i) for a failure to include a proper antecedent basis for the phrase "the cured weight", and (ii) for including a confusing inconsistency insofar as it suggested that 30-60% sand might be mixed with other components to provide a cured mixture that comprises between 20-60% sand. Accordingly, with this amendment, claim 38 is currently amended, *inter alia*, (A) to substitute the indefinite article "a", in place of the definite article "the" which formerly preceded the phrase "cured weight", and (B) to substitute, in line 9, the number "20" for the number "30". With these amendments, it is respectfully submitted that each of the phrases contained in claim 38 now has a proper antecedent basis, and that there is a clear internal consistency between the amount of sand which is used, and the amount of sand which is present in the cured mixture, according to the present invention.

In view of all of the foregoing, the Applicant respectfully submits that the Examiner's previous objections to claims 21, 33 and 38, under 35 USC § 112, second paragraph, have been hereby traversed.

Allowable Subject Matter

In the aforementioned Office action, the Examiner indicated that claims 11-20, 22-32 and 34-37 are allowed, but that the Applicant would need to correct the aforementioned objection to claims 17 and 29. The Examiner additionally indicated that claims 21, 33 and 38 would be allowable if amended to overcome the aforementioned rejections under 35 USC § 112, second paragraph. In view of the current amendments and the submissions made above, the Applicant respectfully submits that claims 11-38 are now directed to allowable subject matter, and respectfully requests reconsideration and removal of the Examiner's aforementioned objections thereto, *inter alia*, under 35 USC § 112, second paragraph.

Summary

Reconsideration of the above-identified application – as based *inter alia* on the current amendments to specification, claims and abstract and on the preceding remarks – with a view toward timely issuance of a Notice of Allowance is respectfully requested. If after reviewing this response, the Examiner believes that a telephone or personal interview would facilitate the resolution of any remaining matters, the undersigned attorney may be contacted at the number set forth hereinbelow.

Respectfully submitted

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